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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

UNITED STATES OF AMERICA,)	No. CR 09-00070 SBA
)	
Plaintiff,)	STIPULATION AND ORDER
)	CONTINUING STATUS CONFERENCE
v.)	AND EXCLUDING TIME
)	
JEROME TOY SINCLAIR,)	
)	
Defendant.)	

Plaintiff, by and through its attorney of record, and defendant, by and through his attorney of record, hereby stipulate and ask the Court to find as follows:

1. A status conference in this matter is currently scheduled for 1:00 p.m. on Tuesday, September 13, 2011. Attorney Claire Leary was recently appointed as new counsel for defendant.

2. Defendant's counsel has requested an opportunity to view the evidence seized in this case and the parties are presently in the process of scheduling an appointment to make the evidence available to new defense counsel for review.

STIPULATION AND ORDER RESCHEDULING
HEARING; EXCLUDING TIME

4. Thus, the parties respectfully request that the Court find that the time period from September 13, 2011, to October 17, 2011, is excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, taking into account due diligence.

MELINDA HAAG
United States Attorney

/s/
GARTH HIRE
Assistant United States Attorney
Attorney for United States of America

/s/
CLAIRE LEARY
Attorney for Defendant
Jerome Toy Sinclair

ORDER

FOR GOOD CAUSE SHOWN, IT IS SO FOUND AND ORDERED THAT:

1. The currently scheduled September 13, 2011, status conference hearing is vacated. A status conference hearing is now scheduled for 10:00 a.m. on October 17, 2011.

2. The time period from September 13, 2011, to October 17, 2011, is deemed excludable pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (B)(iv) because it results from a continuance granted by the Court at the defendant's request and on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial and because failure to grant the continuance would unreasonably deny defense counsel the time necessary for effective preparation for trial, as set forth above, taking into account due diligence.

DATED: 9/12/11


HONORABLE SAUNDRA BROWN ARMSTRONG
UNITED STATES DISTRICT JUDGE